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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Freysinnet *et al.*  
Serial No. : 09/486,094 Examiner : Kubelik, A.  
Filing Date : July 17, 2000 Group Art Unit: 1638  
For : GENE CODING FOR ANDROCTONINE, VECTOR CONTAINING  
SAME AND TRANSFORMED DISEASE RESISTANT PLANTS

I hereby certify that this paper is being deposited with the United States Postal  
Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231

November 12, 2002

Date of Deposit

Louis S. Sorell

Attorney Name

[Signature]  
Signature

32,439

PTO Registration No.

November 12, 2002

Date of Signature

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RESPONSE TO NOTICE TO COMPLY,  
SUBMISSION OF SEQUENCE LISTING AND DECLARATION

Hon. Commissioner for Patents and Trademarks  
U.S. Patent and Trademark Office  
Box Missing Parts  
Washington DC 20231

Sir:

In response to a Notice to Comply with Requirements for Patent Applications Containing  
Nucleotide Sequence and/or Amino Acid Sequence Disclosures under 37 C.F.R. §§ 1.821-1.825  
mailed on October 21, 2002, please consider the following remarks.

IN THE SPECIFICATION:

Please replace the paper copy of the Sequence Listing previously filed with the paper copy of the Sequence Listing enclosed herewith, inserting the Sequence Listing into the specification after the Abstract of the Disclosure.

REMARKS

Applicants submit herewith a Sequence Listing in paper and computer-readable form. Please enter this sequence listing into the specification of the above-captioned application.

I hereby state that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §§ 1.821(c) and (e), respectively, are the same.

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted herewith in accordance with 37 C.F.R. § 1.82(f), does not include new matter.

Applicants believe no other fees are due. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



Louis S. Sorell

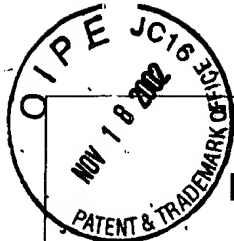
Patent Office Reg. No. 32,439

Alicia A. Russo

Patent Office Reg. No. 46,192

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(212) 408-2500

Encl.



## Notice to Comply

Application No.

09/486,094

Examiner

Anne R. Kubelik

Applicant(s)

FREYSSINET ET AL.

Art Unit

1638

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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